

Pesticide update

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Changes to EPA's Agricultural Worker Protection Standard

The Environmental Protection Agency has revised the 1992 Agricultural Worker Protection Standard regulation to increase protection from pesticide exposure for the nation's two million agricultural workers and their families. These changes will afford farmworkers similar health protections that are already afforded to workers in other industries while taking into account the unique working environment of many agricultural jobs.

The regulation seeks to protect and reduce the risks of injury or illness resulting from agricultural workers' (those who perform hand-labor tasks in pesticide-treated crops, such as harvesting, thinning, pruning) and pesticide handlers' (those who mix, load and apply pesticides) use and contact with pesticides on farms, forests, nurseries and greenhouses. The regulation does not cover persons working with livestock.

Major changes to the regulation:

- **Annual** mandatory training to inform farmworkers on the required protections. This increases the likelihood that protections will be followed. Currently, training is only once every 5 years.
- Expanded training includes instructions to reduce take-home exposure from pesticides on work clothing and other safety topics.
- First-time ever minimum age requirement: Children under 18 are prohibited from handling pesticides and performing early-entry tasks.
- Expanded mandatory posting of no-entry signs for the most hazardous pesticides. The signs prohibit entry into pesticide-treated fields until residues decline to a safe level.
- New application-exclusion zones up to 100 feet surrounding pesticide application equipment will protect workers and others from exposure to pesticide overspray.
- Requirement to provide more than one way for farmworkers and their representatives to gain access to pesticide application information and safety data sheets – centrally-posted, or by requesting records.
- Mandatory record-keeping to improve states' ability to follow up on pesticide violations and enforce compliance. Records of application-specific pesticide information, as well as farmworker training, must be kept for two years.
- Anti-retaliation provisions are comparable to Department of Labor's (DOL's).
- Changes in personal protective equipment will be consistent with the DOL's Occupational Safety & Health Administration standards for ensuring respirators are effective, including fit test, medical evaluation and training.



- Specific amounts of water to be used for routine washing, emergency eye flushing and other decontamination, including eye wash systems for handlers at pesticide mixing/loading sites.
- Continue the exemption for farm owners and their immediate family with an expanded definition of immediate family.

Additional information on the rule is available at:

www2.epa.gov/pesticide-worker-safety/revisions-worker-protection-standard

EPA WPS Factsheet, September 2015

U.S. Environmental Protection Agency

Comparison of Major Requirements in the Existing and Final WPS Regulation

This table summarizes in the existing, proposed and anticipated final WPS regulation. It does not cover all of the details in the rule nor does it include all of the information needed to comply with the regulation.

Requirement	Existing	Final
Training		
Frequency of full training for workers and handlers	Every 5 years for workers and handlers.	Same as proposed Annual training. [170.401(a), 170.501(a)]
Training grace period for workers	5-day grace period with abbreviated training.	Changed: <i>No grace period.</i> [170.401(a), 170.501(a)]
Qualifications of trainers for workers	Handlers, certified applicators, State/Tribal/Federal approved trainers, and persons completing an approved train-the-trainer course.	Changed: <i>Certified applicators, State/Tribal/Federal approved trainers, and persons who have completed an EPA- approved train-the-trainer course.</i> [170.401(c)(4)]
Expand training content for workers and handlers	11 basic training items for workers and 13 items for handlers. Minimal training on reducing take-home exposure, reporting use violations, and prohibition from employer retaliation.	Same as proposed: Keep existing and expand content to include most of the proposed points. Final worker training topics expanded to 23 items, and handler training expanded to 36 items. Training on new content not required until 2 years from effective date of final rule. [170.401(c)(2), 170.501(c)(2)]
Recordkeeping of training	No recordkeeping of training. Voluntary verification card system.	Changed: Keep records for 2 years. Give copy of record of training to workers and handlers <i>upon their request.</i> [170.401(d), 170.501(d)]
Hazard Communication		
Content and Availability of Hazard Communications Materials	Employer must display application-specific information at a central location before application occurs, or, if no workers or handlers are on the establishment, before next period workers/handlers are on establishment. Keep posted for 30 days after REI expires. No recordkeeping.	Changed: Employer must display application information and SDS at central location within 24 hours of end of application and before workers enter that treated area. Display both for 30 days after REI expires. Keep application information and SDS for 2 years from end of REI and make available to workers, handlers, designated representatives (identified in writing) or treating medical personnel upon request. Deleted authorized representative provision. [170.309(h), 170.311(b)]
Notification of Treated Areas		
Notification of treated areas under an REI	Farms, forests and nurseries: Post warning sign or give oral notification for any REI, unless label requires both. Greenhouses: all applications require signs to be posted.	Same as proposed: Post warning sign if REI is greater than 48 hours (outdoor applications) or 4 hours (enclosed space applications (e.g., greenhouses)), otherwise option for posting or oral notification unless label requires both. [170.409(a)]
Warning sign	Red circle containing stern-faced man with upraised hand. At the top: "DANGER" and "PELIGRO", "PESTICIDES", "PESTICIDAS". At the bottom: "KEEP OUT", "NO ENTRE."	Same as existing: Red circle containing stern face with upraised left hand. At the top: "DANGER" and "PELIGRO", "PESTICIDES", "PESTICIDAS". At the bottom: "KEEP OUT", "NO ENTRE." [170.409(b)(2)]

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Requirement	Existing	Final
Information Exchange		
Information exchange between handler employer and agricultural employer	Agricultural employer must provide application information on treated areas the handler may be in (or walk within 1/4 mile of). Handler employer must notify of changes to application plans before application begins.	Changed: Agricultural employer must provide application information on treated areas <i>the handler may be in (or walk within 1/4 mile of)</i> . Handler employer must notify before the application begins for certain changes and within 2 hours of end of application for most other changes, unless only change was less than 1 hour difference in application time. [170.309(k) and 170.313(i) and (j)]
Minimum Age		
Minimum age for handlers and early- entry workers	No minimum age.	Changed: Handlers and early-entry workers must be at least 18 years old. (Members of owner's immediate family are exempt from this and most other requirements of the WPS.) [170.309(c), 170.313(c), 170.605(a)]
Entry Restrictions During Application for Outdoor Production		
Ag employers must prohibit entry in areas during applications for outdoor production. (Restrictions for greenhouses/enclosed space production are different.)	Farms and forests: No entry into treated area. Nurseries: No entry into treated area or a 0-100 foot area around the treated area during pesticide application, where the size of the additional area depends on type of application.	Changed: All outdoor production: No entry into treated area or the application exclusion zone, which is a 0-100 foot area around the application equipment during pesticide application on farms, forests and nurseries. Size of the application exclusion zone depends on type of application. Revised descriptions of application methods. [170.405 (a)]
Handler Suspend Application		
Handler (applicator) must suspend application in certain circumstances	Handler must apply pesticides in a way to not contact workers or other persons. No specific requirement to suspend applications.	Changed: Handler must apply pesticides in a way to not contact workers or other persons. Handler must suspend (not cease) application if a worker or other person is in the application exclusion zone, a 0-100 foot area around the application equipment. [170.505(b)]
Basic Pesticide Safety Information		
Display of pesticide safety information	Display a safety poster at central location.	Changed: Display pesticide safety information at central location and with decontamination supplies when supplies are located at a permanent site or at a location provided for 11 or more workers or handlers. [170.309(h), 170.311(a)(5)]
Content of pesticide safety information	The safety poster must include 7 concepts about preventing pesticides from entering your body; the point that there are federal rules to protect workers and handlers; and the name, address and phone number of the nearest emergency medical care facility.	Same as proposed (with a few minor tweaks): Information can be displayed in any format (doesn't have to be a poster); keep the 7 concepts about preventing pesticides from entering your body; delete the point that there are federal rules to protect workers and handlers; add instructions for employees to seek medical attention as soon as possible if they were poisoned, injured or made ill by pesticides; add name, address and telephone number of state or tribal pesticide regulatory agency; revise emergency medical facility to a nearby operating medical care facility. New content for safety information display not required until 2 years from effective date of final rule. [170.311(a)(2)-(a)(4)]
Personal Protective Equipment		
Respirators	Employer must provide respirator listed on label and ensure it fits. No recordkeeping required.	Changed: Employer must provide respirator and fit testing, training, and medical evaluation that conforms to OSHA standards for any handler required to wear any respirator by the labeling. (Expand from proposal to cover filtering face piece respirators.) Require recordkeeping of completion of fit test, training, and medical evaluation. [170.509(b)(10)]
Definition of chemical-resistant	Made of a material that allows no measurable movement of the pesticide through the material during use.	Changed (same as existing): Made of a material that allows no measurable movement of the pesticide through the material during use. [170.507(b)(1)]
PPE exception for closed systems	Exceptions to the labeling-specified PPE allowed for handlers when using closed systems. No specific criteria for closed systems.	Changed: Exceptions to the labeling- specified PPE allowed for handlers when using closed systems. A closed system must meet a broad performance-based standard, and basic operating standards (written operating instructions and training of handlers in use of the system) must be provided. [170.607(d)]

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U.S. Environmental Protection Agency

Comparison of Major Requirements in the Existing and Final WPS Regulation

Requirement	Existing	Final
Personal Protective Equipment continued....		
PPE exception for crop advisors and their employees	Crop advisors and their employees entering treated areas while a REI is in effect to conduct crop-advisor tasks may wear the PPE specified on the pesticide labeling for early-entry activities instead of the PPE specified on the pesticide labeling for handling activities, provided certain conditions are met. (See exemption for certified crop advisor.)	Crop advisors and their employees entering treated areas while a REI is in effect to conduct crop-advisor tasks may wear a standard set of PPE (coveralls, shoes plus socks and chemical-resistant gloves made of any waterproof material, and eye protection if the pesticide product labeling applied requires protective eyewear for handlers outlined in rule), OR the PPE specified on the pesticide labeling for early-entry activities instead of the PPE specified on the pesticide labeling for handling activities, provided certain conditions are met. (See exemption for certified crop advisor.) [170.607(g)]
PPE exception from eyewear for pilots in open cockpits	If product label requires eye protection, pilots in open cockpits may wear visor instead of label-required eye protection.	Same as proposed: If product label requires eye protection, pilots in open cockpits may wear a helmet with lowered face shield instead of label-required eye protection. [170.607(f)(2)]
PPE exception from gloves for pilots in enclosed cockpits	Gloves are optional when entering and leaving aircraft unless required by product label.	Changed (same as existing): Gloves are optional when entering and leaving aircraft unless required by product label. [170.607(f)(1)]
PPE exception for enclosed cabs	Exceptions to the labeling-specified PPE are allowed when handling tasks are performed from inside an enclosed cab that meets the specifications defined in the rule and certain conditions are met. Exceptions to the labeling-required respiratory protection are allowed only if the cab has been certified by the manufacturer to provide respiratory protection equivalent to the respiratory protection required by the pesticide labeling for handling.	Changed: Maintain exception for dermal PPE as in existing rule with same conditions, but handlers in enclosed cabs must wear the labeling-specified respiratory protection except when the only labeling-specified respiratory protection is a particulate filtering facepiece respirator (NIOSH approval number prefix TC-84A), previously called a dust/mist filtering respirator. [170.607(e)]
Decontamination Supplies		
Quantity of water	Provide enough water for routine washing and emergency eye flushing for workers and handlers. Also for handlers provide enough to wash entire body in emergency.	Clarified proposed requirement: Provide 1 gallon for each worker and 3 gallons for each handler and each early entry worker as measured at beginning of workers' or handlers' work period. [170.411(b), 170.509(b), 170.605(h)]
Use of natural waters	Must provide water for decontamination. May use natural waters in addition to water provided for decontamination.	Changed: Must provide water for decontamination. There will be no reference to, or prohibition from, using natural waters in addition to decontamination water provided. Workers and handlers are trained to use any nearest clean water source in case of emergency. [170.411(b), 170.509(b)]
Eye wash	Provide enough water for emergency eye flushing. One pint of water in a portable container must be available to each handler if eye protection is required.	Changed: Provide a system capable of delivering 0.4 gallons/minute for 15 minutes, or 6 gallons of water able to flow gently for about 15 minutes at a mix/load site if handlers use products requiring eye protection or use a pressurized closed system. One pint of water in a portable container must be available to handlers applying pesticides if eye protection is required. [170.509(d)]
Emergency Assistance		
Emergency assistance	Provide prompt transportation to medical facility and provide any obtainable information about the product, antidote, first aid, and circumstances of exposure to the worker/handler or treating medical personnel.	Same for transportation: Provide prompt transportation to medical facility. Changed for information: Promptly provide the SDS, product information (name, EPA Reg No and active ingredient) and circumstances of exposure to treating medical personnel. [170.309(f), 170.313(k)]

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Requirement	Existing	Final
Exemptions and Exceptions		
Exemption for farm owners and their immediate families	<p>The owner of an agricultural establishment is not required to provide most WPS protections to himself or members of his immediate family who are performing tasks related to the production of agricultural plants on their own agricultural establishment.</p> <p>The owner of the agricultural establishment must provide WPS protections to all workers, handlers and other persons who are not members of his immediate family</p> <p>EPA's interpretation of the exemption required the establishment to be wholly owned by immediate family members.</p> <p>Note: The owner and immediate family members must follow ALL labeling requirements (e.g., PPE use, REIs, use restrictions, etc.) regardless of the exemption.</p>	<p>Same: Owner of an agricultural establishment exempt from providing most WPS protections to himself and members of his immediately family who are performing tasks related to production of agricultural plants on their own establishment are exempt from many provisions from the WPS, including exemption from minimum age requirements for handler and early - entry workers.</p> <p>Changed: The owner and immediate family exemption applies on establishments where at least a majority of the establishment is owned by immediate family members, i.e., a majority of the owners are related by one of the relationships contained in the "immediate family" definition. [170.601(a)]</p> <p>EPA also expanded the definition of "immediate family." (See "Definitions" section below.)</p>
Exemption for certified crop advisors and their employees	Certified crop advisor chooses PPE for themselves and their employees working under their direct supervision in a field during an REI. Also exempted from providing decontamination supplies and emergency assistance for themselves and employees.	Same as Proposed: Only certified crop advisors are exempt from labeling PPE and WPS requirements as specified in exemption. Certified crop advisor employees must use label-required PPE while working in a field during an REI, and employer must provide all required WPS protections or rely on the PPE substitutions allowed under the crop advisors PPE exception. [170.601(b)]
Exceptions to REIs for early entry workers – notification requirements	Inform early-entry workers of hazard information from the pesticide label.	Changed: Notify early-entry workers of application specifics, tasks to be performed, conditions of the early-entry exception, and hazard information from the pesticide label. No recordkeeping requirement. [170.605(b)]
Definitions		
Immediate Family	Includes spouse, parents, stepparents, foster parents, children, stepchildren, foster children, brothers, and sisters.	Changed: Expanded to include in-laws (parents, siblings, and children), grandparents, grandchildren, aunts, uncles, nieces, nephews, and first cousins. "First cousin" means the child of a parent's sibling, i.e., the child of an aunt or uncle. [170.305]
Enclosed space production	Greenhouse means an operation inside any structure or space that is enclosed with nonporous covering and that is of sufficient size to permit worker entry.	Clarify proposed definition: enclosed space production that is indoors or in a structure or space that is covered in whole or in part by any nonporous covering and that is large enough to permit a person to enter. [170.305]
Employ	No definition of "employ" in existing rule. Definitions of "agricultural employer" and "handler employer" covered aspects of what types of employment covered.	Changed: Employ means to obtain, directly or through a labor contractor, the services of a person in exchange for a salary or wages, including piece-rate wages, without regard to who may pay or who may receive the salary or wages. It includes obtaining the services of a self-employed person, an independent contractor, or a person compensated by a third party, except that it does not include an agricultural employer obtaining the services of a handler through a commercial pesticide handler employer or a commercial pesticide handling establishment. [170.305]

See Page 6 for WPS Changes Implementation Timeline

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Implementation Timeline of Revised WPS Rule

2016

January 1

- ⇒ Revised WPS rule becomes effective.
- ⇒ Compliance dates for revised WPS requirements delayed one year from this date, but full compliance is required with existing WPS during this time.

2017

January 2

- ⇒ Implementation date for revised WPS rule.
- ⇒ Compliance with revised WPS requirements, except the following:
 - Cover new content in worker & handler training
 - Include new content on pesticide safety information display
 - Handlers suspend applications if anyone is in the application exclusion zone.

2018

January 1

- ⇒ Full WPS implementation date
- ⇒ Compliance with ALL of the revised WPS requirements.

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NCD&CS Plant Industry Division
(919)707-3753

Entire state now under quarantine for emerald ash borer

RALEIGH – Agriculture Commissioner Steve Troxler signed an emergency order today expanding the quarantine for emerald ash borer to include the entire state, following the discovery of borers in several more counties across the state.

“We have surveyed the state to see if we could find evidence of this highly destructive pest in previously undetected counties,” said Agriculture Commissioner Steve Troxler.

“Our staff have now turned up evidence of emerald ash borers in the central, eastern and western parts of the state, including areas near the borders with Virginia, Tennessee and South Carolina.”

The quarantine allows for the in-state movement of hardwood firewood and plants and plant parts of the ash tree, including living, dead, cut or fallen, green lumber, stumps, roots, branches and composted and uncomposted chips. However, movement of these items outside the state into non-quarantined areas would be prohibited. Firewood that has been treated, certified and labeled in accordance with federal regulations can be moved outside the quarantine area.



Photo Courtesy of Chatham Co. CES

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North Carolina becomes the 15th state in the country with a statewide quarantine. The beetle was first detected in the United States in Michigan in 2002. It is responsible for the death or decline of tens of millions of ash trees across the country.

“This is a devastating pest to ash trees, eventually killing the trees where the insects are found,” Troxler said. “We are not surprised to find more infestations in the state, particularly along the borders with Tennessee and Virginia, two states where borers have previously been found. Virginia also has a statewide quarantine in effect, and Tennessee has quarantines in nearly half of its 95 counties.”

The Plant Industry Division and the N.C. Forest Service are working in cooperation with the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service. Contact the USDA State Plant Health Director for more information on federal quarantine regulations and firewood certification at 919-855-7600.

Symptoms of emerald ash borer in ash trees include a general decline in the appearance of the tree, such as thinning from the top down and loss of leaves. Clumps of shoots, also known as epicormic sprouts, emerging from the trunk of the tree and increased woodpecker activity are other symptoms. The emerald ash borer is not the only pest that can cause these.

Emerald ash borers overwinter as larvae. The adult beetle is one-fourth to a half-inch long and is slender and metallic green. When the adults emerge from a tree, they leave behind a D-shaped exit hole. The larvae can also create serpentine tunneling marks, known as feeding galleries, which are found under the bark of the infested trees.

Home and landowners are encouraged to report any symptomatic activity in ash trees to the NCD&CS Plant Industry Division hotline at 1-800-206-9333 or by email at newpest@ncagr.gov, or by contacting their local N.C. Forest Service County Ranger. To find your county ranger, go to http://ncforestservice.gov/contacts/contacts_main.htm. Rangers can also suggest treatment options for homeowners.

The pest can affect any of the four types of ash trees grown in the state.

CONTACT:

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Quarantine area for the imported fire ant expanding to include Graham, Halifax and Macon counties

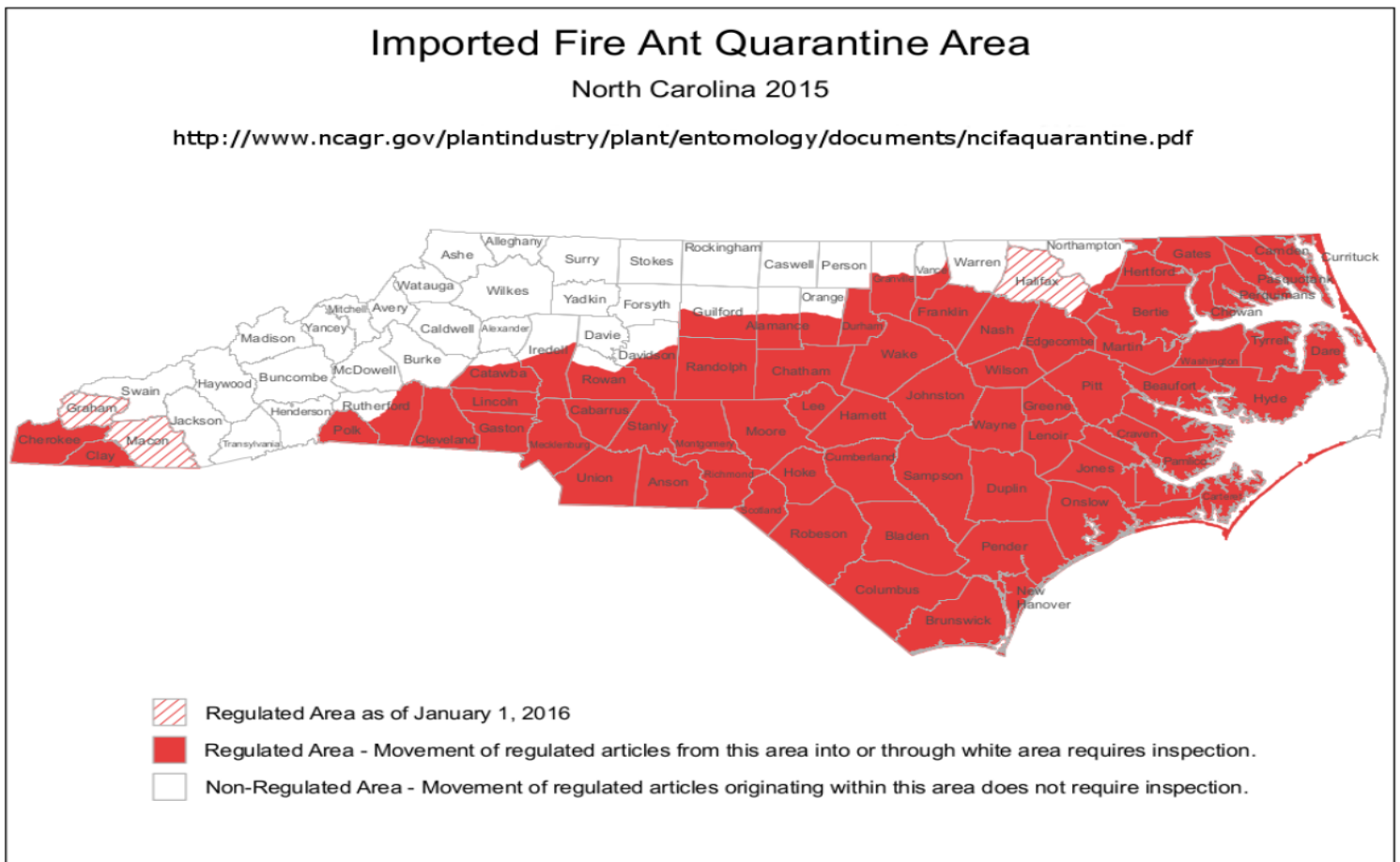
RALEIGH - The N.C. Department of Agriculture and Consumer Services is expanding a state quarantine for the imported fire ant to include all of Graham, Halifax and Macon counties effective Jan. 1, 2016. With the expansion, the quarantine now includes portions or entire areas of 74 counties.

The quarantine continues efforts to monitor the spread of this pest and address mitigation or control measures. Under quarantine rules, residents and business owners in these counties will need to obtain a permit before moving plants, sod and related equipment into or through non-infested areas. Certificates can be obtained from a local plant protection specialist or by contacting the Plant Protection Section at 800-206-9333 or 919-707-3730.

Items requiring a permit include nursery stock, sod, soil, hay and straw, logs or pulpwood with soil, and soil-moving equipment. Also, the movement of any other products, items or infested materials that present a risk of spread from established imported fire ant areas to non-infested areas is prohibited.

“Failure to obtain the needed inspections and certifications may result in the issuance of a stop-sale notice and rejection or destruction of the regulated article,” said Vernon Cox, director of the NCDA&CS Plant Industry Division. “Fire ants can be harmful to humans and livestock. It is critical we continue proactive efforts to slow down fire ant movement into non-infested areas of the state.”

The imported fire ant was first identified in Brunswick County in 1957. As it spread and became established, it was recognized as an aggressive pest of farmlands, pastures, residential areas and wildlife, Cox said. The imported fire ant is considered to be a nuisance and a health concern to humans, livestock and wildlife due to its painful sting. *CLICK MAP FOR LARGER VIEW*





GREAT TIME TO GET PESTICIDE CREDITS

Anyone needing pesticide credits should check out our website (see link below). Many recertification trainings will be held in January, February, and March. These three months account for approximately 50% of the trainings offered each year; so take advantage of the many training opportunities to obtain your credits and avoid having to retest. When deciding what training to attend make sure that it was approved for the category that you are seeking credit and pay attention to the credit hours offered. For example, attending a two hour training does not guarantee that the training was approved for two hours of pesticide credit. Often training time and credits are one for one, but there are many times that this is not the case; so before you attend a training make sure you understand the credits hours offered and the categories that the training was approved for.

RECERTIFICATION ATTENDANCE REMINDER: The license holder or private applicator must attend the pesticide training in order to receive credit. Employees, relatives, friends etc. may not attend a training and earn credits for someone else.

<http://www.ncagr.gov/aspzine/str-pest/pesticides/PesticideCalendar/calendar.asp>

Before You Fumigate!

Make sure that you comply with the fumigant label requirement regarding fumigant training. Fumigant labels require that private applicators must have completed appropriate fumigant training **within the past three years**. Private applicators using fumigants and who are not within the three year training window will be in violation of the label and may face civil penalties.

Meeting the Soil Fumigation Training Requirement!

There are three options available for private applicators needing to meet the soil fumigation training requirement. (1) Applicators may attend a one hour training that is approved for soil and growing media fumigation. Applicators should contact their local county extension office for available training opportunities. (2) Applicators may complete the appropriate EPA online training. Applicators who choose this option should submit a copy of their EPA issued certificate of completion to NCDA&CS. (3) Applicators may take and pass the Soil and Growing Media Fumigation Exam offered by the NCDA&CS.

Private applicators who successfully completed either the EPA online fumigation training in 2012 will need to obtain the required training prior to fumigating. Private applicators who successfully completed the EPA online fumigation training in 2013 or who successfully completed the in person NCDA&CS soil fumigation training in 2013 should check the date on their training certificate to verify compliance. If you have any questions, please feel free to contact the Pesticide Section and ask to speak with a Certification Specialist.



North Carolina Pesticide Board Actions

At the January 2015, July 2015, and November 2015 meetings of the North Carolina Pesticide Board, the following settlement agreements, including monetary penalties totaling \$22,700, were approved for alleged violations of the NC Pesticide Law of 1971. Consent to the terms of the settlement agreement does not constitute an admission of guilt to any alleged violation.



Justin M. Barker, field manager for Shatley Farms in West Jefferson, agreed to pay \$700 for using pesticide in a manner inconsistent with its labeling. Barker treated a Christmas tree field with Dimethoate 4EC pesticide, which is highly toxic to bees. Barker's neighbor experienced loss to his hive after the application.

Brian Jenkins, warehouse manager for Harvey Fertilizer & Gas Co. in Kinston, agreed to pay \$400 for selling restricted-use pesticides to Joe C. Sholar of Sholar Farm Supply in Wallace. At the time of the shipments, no one at Sholar Farm Supply was a licensed pesticide dealer.

In a related settlement, **Joe C. Sholar, an employee at Sholar Farm Supply in Wallace**, agreed to pay \$2,500 for purchasing restricted-use pesticides without a valid pesticide-dealer license.

David F. Rowe of Sonny Row Farm Market in Rocky Point agreed to pay \$1,500 for violating Worker Protection Standards. Rowe failed to provide specific information about pesticide applications, provide safety training for workers, post pesticide safety information, restrict access during applications, provide specific information about applications, provide safety training for handlers and have decontamination supplies.

Robert L. Dawson of Wilson agreed to pay \$650 for damage caused by drift during a pesticide application. Drift from a pesticide treatment of Dawson's soybean fields damaged corn plants at an adjacent property.

John B. Edwards agreed to pay \$650 for pesticide drift that caused damage to a neighbor's Japanese irises, vegetable garden and ornamental plants. It was determined that Edwards, a licensed applicator, applied pesticides during windy conditions, which is inconsistent with product labeling.

Randy D. Riggs, a licensed applicator for Riggs Brother Farms in Pollockville, agreed to pay \$2,400 for several violations on pesticide work done by William Whaley, who was performing the work under Riggs' license. Whaley applied a soil fumigant to a tobacco field and did not restrict entry or provide notification of treatment, failed to post signage at entry points noting the treatment, did not have respirator-fit testing and training for workers, did not follow a buffer-zone requirement as listed on the product label and failed to have a written management plan.

Carey F. Carr, an employee at Parkway Ag Center Inc. in Macclesfield, agreed to pay \$1,200 for failing to keep a complete record of sales of restricted-use pesticides. Records must include name, license number and expiration date of license of certified applicator and sales clerk initials. Two other employees were also fined for selling restricted-use pesticides. **Alton R. Hamill agreed to pay \$2,100 and Ben Neville Jr. agreed to pay \$1,000.**

Sherman T. MacArthur, owner of MacArthur's Landscaping in Rutherfordton, agreed to pay \$600 for performing pesticide work with an expired pesticide license. He has since renewed his license.

William P. Wise, with Fraser Grover Tree Farm in Plumtree, agreed to pay \$700 for damage caused to a neighboring property by drift from a pesticide application. N.C. Pesticide law states no person should apply pesticides under such conditions that drift from pesticide particles or vapors result in adverse effects.

Jerry T. Elliott and Elliott Enterprises of NC Inc. in Dover agreed to pay \$1,400 for selling restricted-use pesticides without a pesticide dealer license. Elliot is now licensed as a pesticide dealer. N.C. pesticide law requires that pesticide dealers be licensed annually. As part of the same investigation, **Charles F. White of Cardinal Chemicals Inc. in Kinston** agreed to pay \$400 for selling restricted-use pesticides to Elliott and Elliott Enterprises of NC Inc.

Al Allen of Allen Aviation Inc. in Aynor, S.C., agreed to pay \$400 for damage caused to a wheat field by drift during an aerial pesticide application on a neighboring flax field in Whiteville. Allen also failed to have his aircraft inspected prior to applying pesticides in North Carolina in 2013, as required by state law.

Jeff Cumbie, manager of TruGreen in Fayetteville, agreed to pay \$1,000 for damage to a neighbor's grass and plants due to drift from a pesticide application. During the investigation, it was also discovered that Cumbie's ground applicator license expired on Dec. 31, 2012 and wasn't renewed until April 24, 2013. N.C. pesticide law states no person should apply pesticides under such conditions that drift from pesticide particles or vapors result in adverse effects. Pesticide law also states that pesticide applicators be licensed annually.

Timothy R. Jedrey, an employee of The Housing Authority of the City of New Bern, agreed to pay \$1,500 for damage to perennials, trees and ornamental shrubs on a neighboring property caused by drift from a herbicide application. N.C. pesticide law states no person should apply pesticides under such conditions that drift from pesticide particles or vapors result in adverse effects.

William D. Hall, an employee of Crabbe Aviation in Mechanicsville, Va., agreed to pay \$1,800 for damage caused by drift from an aerial pesticide application to four properties adjacent to fields sprayed in Moyock. N.C. pesticide law states no person should apply pesticides under such conditions that drift from pesticide particles or vapors result in adverse effects.

Roland W. Boney Jr. of Rose Hill agreed to pay \$300 and to have a one-year suspension of his N.C. Pesticide License for pesticide drift that caused damage to a neighbor's grapevines. N.C. pesticide law states that no person should apply pesticides under such conditions that drift from pesticide particles or vapors result in adverse effect.

Woody Allen Ham of Ham Farms Inc. in Snow Hill agreed to pay \$700 for drift that caused damage to a neighbor's hay, apple and pear trees and day lilies. N.C. pesticide law states that no person should apply pesticides under such conditions that drift from pesticide particles or vapors result in adverse effect.

Eugene J. Kritter of Kritter Cropdusting Inc, in Culpepper, Va., agreed to pay \$800 for failing to have his airplane inspected before applying pesticides to a soybean field in Monroe, as required by state pesticide laws.

Resources

PESTICIDE SECTION

- INFORMATION & ASSISTANCE WITH PESTICIDE REGULATORY & COMPLIANCE
- PESTICIDE CERTIFICATION & LICENSING QUESTIONS
- EXAM SCHEDULES & REGISTRATION
- RECERTIFICATION CREDIT QUESTIONS & APPROVED COURSES

NC Department of Agriculture & Consumer Services
Structural Pest Control and Pesticides Division
James W. Burnette, Jr., Director

1090 Mail Service Center, Raleigh, NC 27699-1090
Phone - (919) 733-3556 • Fax - (919) 733-9796
<http://www.ncagr.gov/SPCAP/pesticides/>

POLLINATOR PROTECTION:

<http://ncagr.gov/spcap/bee/>

PESTICIDE CONTAINER RECYCLING:

Dr. Henry Wade

PESTICIDE WASTE DISPOSAL:

Derrick Bell

PESTICIDE SCHOOLS AND MATERIALS FOR CERTIFICATION & RECERTIFICATION

CONTACT: Dr. Wayne Buhler, Dept. of Horticultural Science
Box 7609, NCSU, Raleigh, NC 27695
Phone - (919) 515-3113



Please Recycle